

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JEFFREY J. LIMLEY,

Defendant.

CASE NO. 8:06CR73

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 42) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 37). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence found during an October 11, 2005, search of the Defendant's business, arguing that the search warrant was not supported by sufficient probable cause. Judge Thalken, after denying the Defendant's motion for a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978), determined that the search warrant affidavit contains ample probable cause that drugs would be found in the location listed in the warrant. Judge Thalken also concluded that, if probable cause were found to be lacking, the good faith *Leon* exception would allow the admission of the evidence. For these reasons, Judge Thalken recommended that the Defendant's motion to suppress be denied.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrImR 57.3, the Court has conducted a *de novo* review of the record. The Court has read the parties' briefs (Filing Nos. 35, 39) and the transcript (Filing No. 45). The Court has also viewed the evidence. (Filing No. 41) Because Judge Thalken fully, carefully, and

correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 42) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 37) is denied.

DATED this 29th day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge